

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Fonseca et al.
Serial No.: 10/090,942
Filed: March 5, 2002
For: APPLICATOR BRUSHES AND METHOD FOR USING SAME
Examiner: Robert, Eduardo C.
Art Unit: 3732
Customer Number: 27623
Confirmation No.: 6887

Attorney Docket No.: 679.0029USX

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. §1.132

Dear Sir:

I, Geoffrey Fonseca, applicant in the above-identified patent application, declare as follows:

1. I am a citizen of the United States of America, and a resident of 8 Beech Road, Suffern, New York 10901.
2. I hold a Master of Science degree in Chemical Engineering from the University of Rhode Island and Bachelor of Science in Chemical Engineering from the Indian Institute of Technology, Bombay.

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3. I am a Senior Manager in Research & Development with Avon, Inc. and have been with Avon since 1982. I have been in the cosmetics industry, including the research, development and manufacture of bristles and the like, since 1982.
4. I am one of the inventors of U.S. Patent Application Serial Number 10/090,942.
5. I have reviewed the Office Action of September 17, 2004 and U.S. Patent Nos. 6,073,634; 6,314,967 and 4,209,027.
6. The above-referenced patents provide for packaging and applicators for cosmetics. These patents note that cotton, linen, pig hair and horse hair may be used for the bristles of the applicators. However, these patents do not disclose or suggest the use of polylactide, polycaprolactone, polyhydroxybutyrate/valerate, polyglycolic acid, polymer based on starch or starch derivatives, and any combinations thereof, for applying a material or cosmetic composition to a human.
7. Prior to our invention, the biodegradable, naturally based polymeric materials of polylactide, polycaprolactone, polyhydroxybutyrate/valerate, polyglycolic acid, polymer based on starch or starch derivatives were unknown materials for use in cosmetic brushes for the application of cosmetics. The suitability of these materials for use in applying the cosmetic composition was unknown prior to our discovery.
8. We have discovered that the bristles made of the biodegradable, naturally based polymeric materials of polylactide, polycaprolactone, polyhydroxybutyrate/valerate, polyglycolic acid, polymer based on starch or starch derivatives have attributes of increased slip, increased wicking, the ability to make thin fibers, silky feel, excellent UV stability, oil and grease resistance, and good durability including superior twist retention, resilience, and elastic recovery. All of these attributes are important properties for bristles used in the manufacture of brushes for the application of a cosmetic composition. We have discovered that these polymeric materials are suitable for

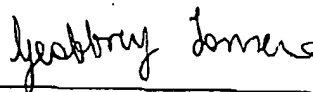
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manufacture into the myriad of brush shapes, examples of which are depicted in Figs. 1 through 7 in the Application.

9. I further declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Declared at SUFFERN, U.S.A. this 29 day of NOV., 2004.



Geoffrey Fonseca